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EXAMINER

SEFER, AHMED N

ART UNIT PAPER NUMBER

2826

DATE MAILED: 02 05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/991,973

Applicant(s)

KIM ET AL.

Examiner

A. Sefer

Art Unit

2826

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 31 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) 1 and 3-25 is/are pending in the application.
- 4a) Of the above claim(s) 13-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) 9-11 is/are allowed.
- 6) ☐ Claim(s) 1, 3-8, 12 and 25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. The amendment filed on 10/31/02 has been entered. Claim 2 has been cancelled and claim 25 has been added.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

3. Claims 1, 3-5 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamazaki US Patent No. 6,433,487.

Yamazaki discloses (see figs. 1, 11 and 14, col. 16, lines 57-65 and col. 18, lines 45-47) an organic EL device, comprising a thin film transistor (TFT) array substrate including a first insulating substrate, a TFT with a conductive interface pad 43 connected thereto, and a capacitor 1401 formed on the first insulating substrate; and an organic EL substrate including a second insulating substrate (not shown), a transparent electrode 47, an organic EL layer 46 and a metal electrode 44, wherein the conductive

interface pad is directly connected to the metal electrode, wherein organic EL substrate further includes a protection film 48 (as in claim 3).

As to claim 4, Yamazaki discloses (see col. 6, lines 56-64 and col. 8, lines 13-14) an oxinitride protection film 48.

As to the protection film being formed by depositing SiNx and SiO<sub>2</sub>, it refers to a process and "product by process" claims are directed to the product per se, no matter how actually made, In re Hirao, 190 USPQ 15 at 17 (footnote 3). See also In re Brown, 173 USPQ 685 and In re Thorpe, 227 USPQ 964, 966. Therefore, the way the product was made does not carry any patentable weight as long as the claims are directed to a device. Further, note that the applicant has the burden of proof in such cases, as the above case law makes clear. Also see MPEP 2113.

As to claim 5, Yamazaki discloses in fig. 11B a TFT array and an organic EL substrates sealed by UV curable agent 1104.

As to claim 12, Yamazaki discloses a transparent electrode, an organic EL layer and a metal electrode sequentially stacked on the second insulating layer.

4. Claim 6 is rejected under 35 U.S.C. 102(b) as being anticipated by Kuribayashi et al. (JP 11-3048).

Kuribayashi et al disclose in figs. 1-7 an organic EL device, comprising a thin film transistor (TFT) array substrate including a first insulating substrate, a TFT with a conductive interface pad 22 connected thereto, and a capacitor Cs formed on the first insulating substrate and a conductive pump pad 71 formed on the conductive interface pad; and an organic EL substrate including a second insulating substrate 61, a

transparent electrode 51, an organic EL layer 52 and a metal electrode 62, wherein the conductive pump pad is directly connected to the metal electrode.

5. Claims 6-8 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Kuribayashi et al. (JP 11-8065).

Kuribayashi et al disclose in figs. 13-17 an organic EL device, comprising a thin film transistor (TFT) array substrate including a first insulating substrate, a TFT with a conductive interface pad 143 connected thereto, and a capacitor Cs formed on the first insulating substrate and a conductive pump pad 131 formed on the conductive interface pad; and an organic EL substrate including a second insulating substrate 61, a transparent electrode 21, an organic EL layer 3 and a metal electrode 41, wherein the conductive pump pad is directly connected to the metal electrode or with a conductive bonding agent 121 (as in claim 25), wherein the conductive bonding agent is anisotropic film (ACF) (as in claim 7).

As for claim 8, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

***Allowable Subject Matter***

6. Claims 9-11 are allowed.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yamazaki et al. US Patent No. 6,424,326 disclose (see fig. 19) an EL display comprising an organic EL substrate including a polymer bump 44.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to A. Sefer whose telephone number is (703) 605-1227.

Art Unit: 2826

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J Flynn can be reached on (703) 308-6601.

ANS

January 29, 2003

EXAMINER  
2826